

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES DORSEY and RODNEY SMITH, On Behalf
of Themselves and All Others Similarly Situated,

Plaintiffs,

v.

Case No. 13-10412
Honorable Julian Abele Cook, Jr.

TRUGREEN LIMITED PARTNERSHIP;
TRUGREEN, INC.; TRUGREEN LAWN CARE;
TRUGREEN OF DELAWARE, INC.; and
SERVICEMASTER,

Defendants.

ORDER

This proposed collective action involves a complaint by the remaining named Plaintiff, Rodney Smith¹, that the Defendants² violated the Fair Labor Standards Act (“FLSA”) by failing to provide employee compensation at the appropriate wage rate. On May 10, 2013, the Defendants filed a motion to (1) dismiss the Plaintiffs’ claims, (2) strike the collective action claims, and (3) compel arbitration of the Plaintiffs’ claims on an individual basis, which was forwarded by the Court to Magistrate Judge Laurie J. Michelson for evaluation. In a report on October 16, 2013, the Magistrate Judge recommended that this Court deny the Defendants’ motion to dismiss, strike collective action claims, and compel arbitration (ECF No. 17). As of this date, neither party has

¹Plaintiff James Dorsey was previously dismissed by stipulation of the parties.

²The remaining Defendants are TruGreen Limited Partnership; TruGreen, Inc.; TruGreen Lawncare; TruGreen of Delaware, Inc.; and Servicemaster Consumer Services Limited Partnership. TruGreen LandCare, LLC was named as a Defendant in the complaint but has since been dismissed from the action without prejudice by stipulation of the parties.

expressed any objections to the Magistrate Judge's report and recommendation. The Court has reviewed the Report and Recommendation and the file. The period of time for filing objections having now expired, this Court approves and adopts the report, including the recommendations of the Magistrate Judge, in its entirety.

IT IS SO ORDERED.

Date: November 15, 2013

s/Julian Abele Cook, Jr.
JULIAN ABELE COOK, JR.
U.S. District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on November 15, 2013.

s/ Kay Doaks
Case Manager